

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING- 6:30 P.M.
TUESDAY, FEBRUARY 15, 2011
CITY COUNCIL CHAMBERS
675 WILDWOOD AVENUE, RIO DELL

***WELCOME . . .** By your presence in the City Council Chambers, you are participating in the process of representative government. Copies of this agenda, staff reports and other material available to the City Council are available at the City Clerk's office in City Hall, 675 Wildwood Avenue. Your City Government welcomes your interest and hopes you will attend and participate in Rio Dell City Council meetings often.*

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Office of the City Clerk at (707) 764-3532. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to assure accessibility to this meeting.

THE TYPE OF COUNCIL BUSINESS IS IDENTIFIED IMMEDIATELY AFTER EACH TITLE IN BOLD CAPITAL LETTERS

- A. CALL TO ORDER
- B. ROLL CALL
- C. PLEDGE OF ALLEGIANCE
- D. STUDY SESSIONS
- E. CEREMONIAL
- F. CONSENT CALENDAR

The Consent Calendar adopting the printed recommended Council action will be enacted with one vote. The Mayor will first ask the staff, the public and the Council members if there is anyone who wishes to address any matter on the Consent Calendar. The matters removed from the Consent Calendar will be considered individually in the next section, "SPECIAL CALL ITEMS."

- 1) 2011/0215.01 - Approve Minutes of the February 1, 2011 Joint Study Session **(ACTION)** 1
- 2) 2011/0215.02 - Approve Minutes of the February 1, 2011 Regular Meeting **(ACTION)** 5
- 3) 2011/0215.03 - Approve Sanitary Sewer Management Plan **(ACTION)** 11
- 4) 2011/0215.04 - Direct City Manager to Ascertain Interest of Landowners and Develop Application Schedule for Prop 84 Statewide Park Program **(ACTION)** 12
- 5) 2011/0215.05 - Approve Revised City Manager Job Description **(ACTION)** 14

- G. SPECIAL PRESENTATIONS

H.. SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

- 1) "SPECIAL CALL ITEMS" from Consent Calendar
- 2) 2011/0215.06 - Discussion on Business License Ordinance Update, Establishing Business License Administration Fees and Submittal of Update of Business License Tax to Voters for Approval (**DISCUSSION**) 19
- 3) 2011/0215.07 - Approve Labor Agreements with Rio Dell Employees' Association, Rio Dell Police Officers Association, and Contract Employees (**ACTION**) 45

M. ORDINANCES/SPECIAL RESOLUTIONS

- 1) 2011/0215.08 - Approve Resolution No. 1106-2011 Memorializing CPS Median Income Salaries (**ACTION**) 101
- 2) 2011/0215.09 – Public Hearing, Introduction and First Reading (by title only) of Ordinance No. 271-2011 Surplus Property (**ACTION**) 104

N. PUBLIC PRESENTATIONS

This time is for persons who wish to address the Council on any matter not on this agenda and over which the Council has jurisdiction. Items requiring Council action not listed on this agenda will be placed on the next regular agenda for consideration, unless a finding is made by at least 2/3rds of the Council that the item came up after the agenda was posted and is of an urgency nature requiring immediate action. Please limit comments to a maximum of 5 minutes.

O. REPORTS/STAFF COMMUNICATIONS

- 1) City Manager
- 2) Finance Director
- 3) Chief of Police
- 4) Public Works Director

P. COUNCIL REPORTS/COMMUNICATIONS

Q. ADJOURNMENT

*The next Regular meeting will be on March 1, 2011
at 6:30 PM in the City Council Chambers*

A G E N D A
RIO DELL CITY COUNCIL
REGULAR MEETING- 6:30 P.M.
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*The next Regular meeting will be on March 1, 2011
at 6:30 PM in the City Council Chambers*

**RIO DELL CITY COUNCIL
PLANNING COMMISSION
STUDY SESSION
FEBRUARY 1, 2011
MINUTES**

A Study Session with the Rio Dell City Council/Planning Commission was called to order at 5:00 P.M. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks,, Councilmembers Marks and Thompson, Planning Commissioners Dave Gonzales, Andrew Gonzales, Johnson, Millington, and Sweaney

Absent: Mayor Woodall, Councilmember Barsanti and Planning Commissioner Millington (arrived at 5:30 p.m.)

Others Present: City Manager Henrickson, Acting Director of Public Works Jensen, Planning Consultant Williamson, Planwest Partners, and City Clerk Dunham

CEREMONIAL

Swearing in of Newly Appointed Planning Commission Members

City Clerk Dunham swore in Gordon Johnson to fill the unexpired term ending December 31, 2012; and Andrew Gonzales to a new three year term ending December 31, 2013.

STUDY SESSION MATTERS

Introduction of New Planning Commissioner Gordon Johnson

City Manager Henrickson introduced Gordon Johnson as the newly appointed planning commissioner and provided a brief review of his background stating that he has resided in Rio Dell for 32 years, graduated from Humboldt State with a degree in Civil Engineering, and spent the majority of his career employed by California Department of Transportation (Cal-Trans).

Development of Dinsmore Plateau

City Manager Henrickson stated the purpose of the study session was to have a general discussion of the various development scenarios for the approximate 150 acre parcel known as the Dinsmore Plateau and the possible impacts to the City infrastructure. He said the owner of the property had approached the City Planner regarding rezoning of the property from the current 5 acre density to a greater density. A meeting was scheduled with the City Manager, City Planner and the property owner for January 26, 2011 to discuss his ideas however, the owner was unable to attend. He said they did meet with the owner's engineer, Allen Baird who expressed the owner's desire to change the zoning to allow for 150-200 high density condominiums including an agricultural preserve.

**FEBRUARY 1, 2011
STUDY SESSION
Page 2**

City Manager Henrickson said in the best interest of the City, he would like to wait and see what the owner is proposing before getting into too much discussion. He noted that typically large projects such as this are built around specific amenities such as a golf course however, it was noted that the plan included a swimming pool and riding trails.

In comparing a development of 30 units or 60 plus units City Manager Henrickson identified five points to consider with 30 units or less: the development would not necessitate a second access; 2) major improvements to Monument Road would not be necessary; 3) intersection improvements would be necessary; 4) there would be sufficient water storage and supply and may be able to have on-site septic systems, although he would recommend against; and 4) storm water could be handled on site for either development but the design would be drastically different.

Commissioner Johnson asked if there was a date set for a follow up meeting with the owner; City Manager Henrickson said he had not yet received a response confirming the tentative meeting date.

Councilmember Thompson asked if the owner was proposing to rezone the property prior to submittal of a development plan; City Manager Henrickson said he would like to see a development agreement up front since the improvements are substantial.

Planner Williamson stated the applicant currently has on file with the City an application for a General Plan Amendment changing the density from 5 acre to 1 acre; a Zoning Amendment changing the zoning from Rural 5 acre minimum lot size to Suburban Low 1 acre minimum lot size including a Planned Development Overlay which would allow for clustering of homes; and a Conditional Use Permit Application on an existing structure. He stated those three applications must be completed prior to the submittal of a subdivision map.

City Manager Henrickson reiterated that he would not be supportive of a subdivision map without a development agreement in place to assure that City costs are covered for infrastructure improvements. He recommended waiting for submittal of a plan, then to get together and analyze then make the decision to move forward or not.

Councilmember Marks asked for a review of the subdivision process; George explained if an applicant applies for a minor subdivision and designates the remaining lot as the "remainder" it cannot be split again however, said in this instance it is not the case.

Commissioner Millington arrived at this time, 5:30 p.m. and was sworn in by City Clerk Dunham for another three year term ending December 31, 2013.

De-Annexation of Blue Slide Road/Natural Resources Lands (Metropolitan)

City Manager Henrickson stated Blue Slide Road was recently annexed into the City with the expectation of development of a major subdivision. Since this is no longer the case, City staff expressed concern about the cost of maintenance and repair of Blue Slide Road due to its deteriorated condition and potential liability to the City if it is not repaired. He noted a short term fix would be to level the roadway at an estimated cost of \$20,000-\$25,000 however said he would not recommend it. Another alternative would be to pursue de-annexation.

City Manager Henrickson said in the case of the Natural Resource Area property, it was annexed as a possible site for the City's wastewater disposal. Under the present plan this property is not going to be used therefore, staff would like to discuss the merits of de-annexing that area as well.

He commented that the County may be amenable to the process since it has been their desire to retain agricultural land if possible. Also, many of the residents in that area have expressed their support for de-annexation.

Planner Williamson reviewed the process for de-annexation and notification of property owners.

City Manager Henrickson pointed out that there would be City costs associated with the de-annexation process but the costs would clearly be much greater for repairs to Blue Slide Road. He said the decision to approve or deny the de-annexation would be up to LAFco.

City Manager Henrickson said based on decades of planning and development experience, the optimum site for development in the City is the Dinsmore Plateau stating there is far more potential and less cost to the City than that of Blue Slide Road.

Councilmember Thompson asked if there was any potential liability by Mr. Micheli due to loss of property values; City Manager Henrickson said he spoke with the attorney and said there would be little or no risk.

Councilmember Marks expressed concern about the City not placing restrictions on the annexation when approved.

Commissioner Johnson asked if there were estimates established for improvements to Blue Slide Road and if the City had made any improvements; he was told neither were done.

Councilmember Thompson asked if the land recently purchased by the City for effluent disposal would need to be annexed; Planner Williamson stated that it would be.

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STUDY SESSION
Page 4

Commissioner Sweaney asked if the proposed de-annexation would include the land owned by RLF Properties on Blue Slide Road; Planner Williamson explained there is a pending annexation application for the 32.8 acre parcel stating if the City decides to move forward with the de-annexation process, the property owner would be notified that their application cannot move forward since any proposed parcels must be contiguous with City limits.

Commissioner Gonzales (Dave) stated he was not too excited about the cost associated with de-annexation and asked what would happen if RLF Properties were receptive to paying for improvements to Blue Slide Road.

City Manager Henrickson stated that he didn't believe the City Engineer was ever asked to comment on the Blue Slide Road Annexation and if they had, the costs for improvements to Blue Slide Road would have been assessed.

Councilmember Thompson commented on the proposed Bear River Wind Power Project and anticipated improvements to City roads required to allow for transporting of large turbine components and said there is a logging road off of Webster St. that leads to Monument Ridge that could be improved and used as an alternate route. If so, this may be a way to provide for improvements to Bellevue Ave. and Blue Slide Road.

Commissioner Millington asked if there was any perceived liability to the City by Mr. Micheli and if he had any obligation to the City in regard to infrastructure improvements since the annexation application was approved based on the expectation of a major subdivision; Planner Williamson indicated Mr. Micheli had no legal obligation.

City Manager Henrickson said had there been a development agreement, he would be legally bound by that agreement.

Commissioner Gonzales (Dave) asked if the annexation for the new disposal site could be combined with the de-annexation application before LAFco; Planner Williamson stated they would be separate applications however they could run concurrently.

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 6:10 p.m.

Melissa Marks. Mayor Pro Tem

Attest:

Karen Dunham, City Clerk

**RIO DELL CITY COUNCIL
REGULAR MEETING
FEBRUARY 1, 2011
MINUTES**

The Regular Meeting of the Rio Dell City Council was called to order at 6:30 p.m. by Mayor Pro Tem Marks.

ROLL CALL: Present: Mayor Pro Tem Marks, Councilmembers Barsanti, Leonard, and Thompson

Absent: Mayor Woodall

Others Present: City Manager Henrickson, Chief of Police Hill, Finance Director Beauchaine, Acting Public Works Director Jensen, Wastewater Superintendent Chicora and City Clerk Dunham

CONSENT CALENDAR

Mayor Pro Tem Marks announced the items to be approved on the consent calendar and asked the staff, the public and the Council members if there was anyone who wished to have any item removed from the consent calendar for separate discussion.

Councilmember Barsanti asked that Item 2 be removed from the consent calendar for separate discussion under *Special Call Items*.

Motion was made by Thompson/Barsanti to approve the consent calendar including approval of minutes of the January 18, 2011 regular meeting;

Motion carried 4-0.

SPECIAL PRESENTATIONS

Public Hearing – Wastewater Rate Adjustments

Finance Director Beauchaine provided a power point presentation on the proposed wastewater rate adjustments and began by stating that a wastewater rate increase is essential to cover State mandated regulatory requirements as identified in a Cease and Desist Order issued in 2003 and again in 2005 by the North Coast Regional Water Quality Control Board mandating the City change its method of treated wastewater disposal. She said the City also received an Administrative Civil Liability Complaint in 2007 for not meeting wastewater performance treatment standards and said failure to address these issues within the mandated timeframe will result in fines and potential conservatorship of the wastewater operation.

FEBRUARY 1, 2011 MINUTES
Page 2

In working toward compliance the City explored various options and chose to proceed with a long-term improvement project and to minimize the hardship on customers broke the Wastewater System Improvements into two projects.

Phase I of the project was completed in 2010 with acquisition of a \$2.25 million grant and included new equipment and components at the current wastewater treatment plant including replacement of the headworks, new biosolids dewatering equipment (sludge press) and a covered biosolids storage building, and installation and operation of a skid-mounted sodium dioxide generator with a 500-gallon brine tank and a 2,500-gallon sodium hypochlorite tank to replace the existing gaseous chlorine disinfection system.

Finance Director Beauchaine further stated that the City is aggressively pursuing permanent financing and anticipates securing an additional \$6 million grant and an estimated \$6.5 million loan to finance the remainder of the project costs. In order to secure the funding package, the City must demonstrate the ability to fund the debt service costs through a Prop 218 compliant wastewater rate increase.

Two different rate increase options were presented for consideration: Option 1: \$8.23 per EDU per month for a total of \$68.36; and Option 2: \$9.57 per EDU per month for a total of \$69.70.

Finance Director Beauchaine explained the difference between the two options is that Option 1 would include a 1.5% construction contingency and Option 2 a 2% construction contingency.

Although not being considered at this time, Beauchaine said to fully fund a Capital Improvement Program and allow for depreciation, a rate increase of \$15.21 per EDU per month would be needed.

Finance Director Beauchaine stated this would be the first public hearing on the proposed rate increase, followed by wastewater facility tours scheduled for February 4th and 5th, with a second public hearing on February 22, 2011. The proposed effective date for the rate increase would be March 1, 2011. Next was review of the process for protesting the proposed rate increase.

Councilmember Marks asked if staff anticipated the need to come back to the Council with further rate increase proposals in the near future; City Manager Henrickson stated aside from the annual 3% increase to address inflation, staff did not foresee any additional increases in the near future.

City Manager Henrickson pointed out that in the event that the construction contingency is not needed, the cost savings could possibly be used to offset the 3% annual increase.

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Page 3

Councilmember Barsanti questioned the total project cost estimate; Beauchaine stated the estimate from Winzler & Kelly was at \$12.8 million. City Manager Henrickson said HDR Engineering would also be submitting an estimate so that number could change.

Councilmember Barsanti then asked if the proposed increase was based on the City securing no grant funding; Beauchaine said the increase was based on obtaining \$6 million in grant funding and the financing of the remaining \$6.8 million.

Councilmember Leonard asked what the timeframe was for completion of the project; City Manager Henrickson stated the project completion was scheduled for the end of 2012.

Councilmember Barsanti asked if the proposed sewer rates were consumption based; Beauchaine stated that in order to secure a funding package the consumption base method had to be postponed. She explained that each residential unit is equal to one EDU; non-residential uses are based on winter consumption.

The public hearing was opened at 6:57 p.m. to receive public input on the proposed rate increase.

Al Petrovich asked who would be funding the grant and if there was any federal influence; Beauchaine stated the grant was funded by State Water Resources Control Board through the Small Community Wastewater Grant Program; she said she didn't believe there was any federal influence.

There being no further public comment, the public hearing closed at 6:58 p.m.

SPECIAL CALL ITEMS/COMMUNITY AFFAIRS

Approve Water Claim Adjustment for Chris Dazzi at 130 Webster St. in the Amount of \$245.25

Councilmember Barsanti asked if the newly adopted water claim adjustment policy should apply to this claim; City Manager Henrickson stated that since the claim was submitted prior to adoption of the new policy the old policy applied.

City Clerk Dunham explained the claim was presented to the Council in January but action was postponed pending verification that the leak was repaired. She said the two subsequent meter readings showed normal consumption which indicated the leak was repaired successfully.

Motion was made by Leonard/Barsanti to approve the water claim adjustment for Chris Dazzi at 130 Webster St. in the amount of \$245.25. Motion carried 4-0.

CDBG Loan Portfolio Report

Finance Director Beauchaine stated the City has been managing the CDBG Program for around 20 years and contracts with Redwood Community Action Agency (RCAA) to monitor the program and perform a loan portfolio review which includes a review of the status of client

FEBRUARY 1, 2011 MINUTES
Page 4

property taxes, insurance, residency, and housing condition as required by the mortgage agreement between the lender (City) and the client.

She reported out of 34 residences reviewed, 6 properties with loans totaling \$156,520 are currently out of compliance with the terms of their mortgage agreement; 3 of the properties have property taxes in default, 4 have no insurance on file, and 2 appear to be out of compliance with residency requirements. She said staff would follow-up and attempt to contact the property owners to address the compliance issues and any outstanding issues will be referred to the city attorney for further action.

Councilmember Marks asked if there were any CDBG loan funds available at this time; Beauchaine stated that there are no funds available for loans now but the City would pursue additional grant funding through the next funding cycle when funds become available.

Sharon Wolfe asked if there was a general idea of how much the City has received in the way of CDBG grant funding over the past 20 years; Beauchaine estimated a total of \$2.5 million over the past decade or so.

Approve Sale of 1994 Ford Crown Victoria to Southern Humboldt Unified School District in the Amount of \$765.00

Chief of Police Hill reported the police department recently de-commissioned a 1994 Ford Crown Victoria from service and had the emergency equipment removed in preparation of disposing of the vehicle as surplus property. He said during this process he was contacted by the Southern Humboldt Unified School District who was looking for a vehicle with a prisoner cage installed. With concurrence of the City Manager his recommendation was to sell the vehicle at the low Blue Book price of \$765.00. The school's district mechanic came and looked at the vehicle and approved of the vehicle and the price.

Motion was made by Leonard/Thompson to approve the sale of the 1994 Ford Crown Victoria (VIN 2FALP71WDRX147640) to the Southern Humboldt Unified School District in the amount of \$765.00. Motion carried 4-0.

Draft Labor Agreements with Rio Dell Employees' Association, Rio Dell Police Officers Association, and Contract Employees

City Manager Henrickson stated that based on direction of the City Council on January 18, 2011, he initiated labor negotiations with the various bargaining groups which have now been completed. His recommendation was to receive and file the agreements, place on the City's web site for public review and bring them back to the Council on the February 15, 2011 agenda for consideration.

Councilmember Marks pointed out that with the salary increases, elimination of 6 positions and the addition of 2 new positions, the budget still reflects an overall 11% reduction in salaries and benefits.

FEBRUARY 1, 2011 MINUTES
Page 5

Councilmember Marks asked the City Manager if he felt the reorganization and reorientation of City Government as recommended was sustainable; City Manager Henrickson stated although it was hard to speculate in light of the State budget, he felt very confident the upcoming City budget would not require the use of reserves.

A public hearing was opened at 7:10 p.m. to receive public input on the proposed labor agreements. There being no public comment, the public hearing closed.

PUBLIC PRESENTATIONS

None

REPORTS/STAFF COMMUNICATIONS

City Manager Henrickson presented to the Council a *Project Task List* consisting of 15 items which he read aloud. He noted there were actually 2 additional items: 1) De-annexation of Blue Slide Road/Natural Resources Lands if Council so directs; and 2) Prop 84 Statewide Park Program Opportunity.

He said if the Council was interested in discussing Prop 84 further he would suggest a Study Session be scheduled to explore the possibilities. Consensus of the Council was to hold a study session on February 15, 2011 at 5:30 p.m.

City Manager Henrickson then asked for Council direction on the issue of de-annexation. Consensus of the Council was that the City Manager prepare a report and bring it back to the Council on a subsequent agenda.

Finance Director Beauchaine asked for Council direction regarding the proposed wastewater rate increase and a consensus on the preferred rate increase option. After brief discussion, the consensus was that both options be brought back for consideration at the February 22, 2011 public hearing.

Chief of Police Hill reported on recent activities in the police department stating in the event that anyone received any complaints regarding the Edwards Dr. gate being locked when it shouldn't have been, the problem has been resolved. He said he also wanted to thank public works staff for their help in retrieving an unusual piece of evidence for the police department.

Acting Public Works Director Jensen reported on recent activities in the public works department and announced tours of the wastewater facility were scheduled for February 4th at 2:00 p.m. and February 5th at 10:00 a.m.

COUNCIL REPORTS/COMMUNICATIONS

FEBRUARY 1, 2011 MINUTES
Page 6

Councilmember Leonard announced that Mark Lovelace was appointed as Chair on Redwood Region Economic Development Commission (RREDC) and Jay Parrish as Chair on Humboldt County Association of Governments (HCAOG).

ADJOURNMENT

There being no further business to discuss, the meeting adjourned at 7:34 p.m. to the February 15, 2011 regular meeting.

Attest:


Melissa Marks, Mayor Pro Tem

Karen Dunham, City Clerk

675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532



TO: Honorable Rio Dell City Council

THROUGH: Ron Henrickson, City Manager 

FROM: Rick Chicora, Wastewater Superintendent, and Carla Ralston, P.W. Admin

DATE: February 15, 2011

SUBJECT: Sanitary Sewer Management Plan

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Approve the Sanitary Sewer Management Plan (SSMP) (ACTION)

BACKGROUND AND DISCUSSION

At the January 4, 2011 City Council meeting, the Public Works Department distributed a draft copy of Rio Dell's Sanitary Sewer Management Plan (SSMP) prepared by Freshwater Environmental Services. Additionally, a SSO-WDR Compliance Public Notification and a draft copy of the SSMP were posted on the Cities web site to allow for public review and comment.

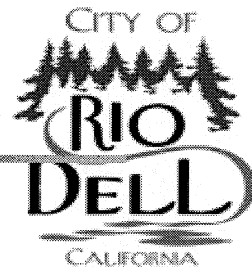
The public review and comment period has ended, and we are now requesting council approve the SSMP in accordance with the State Water Resources Control Board Order No. 2006-0003-DWQ.

BUDGETARY IMPACT

None

ATTACHMENTS TO BE PRESENTED IN A SEPARATE PACKET:

Copy of the Sanitary Sewer Management Plan (SSMP)



675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager *[Signature]*
DATE: February 15, 2011
SUBJECT: Prop 84 Statewide Park Program Opportunity

ACTION: Direct City Manager to Ascertain Interest of Landowners and Develop Application Schedule

ADDITIONAL

BACKGROUND: The application process is very cumbersome as it includes an arduous citizen involvement process . The process encompasses at least five public meetings with specific task assignments. A second element is negotiation for land acquisition which will be time consuming. As noted the application is not due until July1, 2011.

While it goes without saying in a competitive grant process it will be a long shot to secure substantial funding; however, the City does have a number things going. Points are awarded for a low income community, creation of a new park, and community based planning. We should score high on all these categories. In addition the site is ideal, located on the river adjacent to the bluffs and immediately off 101.

The benefits to the community would include: development of a major tourist attraction, creation of a fantastic park amenity, and the park would greatly enhance the image of the City.

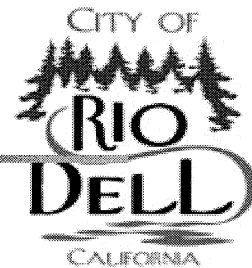
FINANCIAL

IMPACT:

The cost of preparing the application is unknown at this time. While staff can do much of the work, it will undoubtedly require some services of our planning consultant and City Engineer. These costs will be detailed in a follow up report to the Council as the application schedule is prepared and the interest of property owners is known.

NEXT STEPS:


If the Council directs, the City Manager will proceed to contact the property owners and develop an application schedule.



675 Wildwood Avenue

Rio Dell, CA 95562

(707) 764-3532

TO: Honorable Rio Dell City Council
FROM: Ron Henrickson, City Manager 
DATE: February 15, 2011
SUBJECT: Revision of City Manager Job Description
ACTION: Approval of Revised City Manager Job Description
ATTACHMENT: Revised Job Description

BACKGROUND:

With the proposed organizational changes the City Manager will assume the functions of the Public Works Director and direct supervision of the Wastewater and Water & Roads Superintendents. To memorialize this change in responsibilities it is proposed to add another bullet point to the City Managers duties (reference in red at bottom of page one). Subsequently, a new job description for the Water & Roads Superintendent will be forwarded to Council which would include direct supervision of the utility workers.

RECOMMENDATION:

The City Manger recommends approval of the revised job description.

CITY MANAGER

DEFINITION

Plans, administers, and supervises the City's organizational and administrative operations in accordance with the policies and procedures set forth by the City Council; performs directly related work as required.

DISTINGUISHING CHARACTERISTICS

The City Manager is an at-will position reporting directly to the City Council. The City Manager's Office is responsible for the efficient administration of all City resources and operations in accordance with City Council policy. The City Manager provides overall planning, supervisory direction and control of City programs and services. The City Manager directs three department heads (Police, Public Works, and Finance) and consultants (City Attorney, Engineer, and Building Inspector) in implementing City policy. Community Development (with the assistance of consulting engineers, planners, and building inspectors), City Clerk, Personnel, Purchasing, Emergency Services, and Public Information are direct functions of this office.

EXAMPLES OF DUTIES (Illustrative Only)

- Develops recommendations for enhancing the City's operations and services in collaboration with the City Council, City officials, Department Heads, and other management level City personnel.
- Recommends and oversees implementation of City policies, rules, and regulations.
- Advises City department and division heads regarding the full range of organizational, management, administrative, budget, and financial policies and related issues.
- Confers with City elected officials, department and division heads, and other supervisory personnel to discuss, identify, and assess their organizational, management, administrative, budget and financial problems and needs.
- Reviews and approves programs of City-wide administration such as financial reporting, budgeting control, and personnel practices.
- Confers with appropriate others to effect cooperation in matters of joint concern, to solve administrative and operational problems, and to stimulate economic, cultural, and organizational development, including lobbying other governmental agencies for services or financial grants.
- Fulfills the functions of the Public Works Director and supervises the Wastewater and Water & Roads Superintendents.

EXAMPLES OF DUTIES: (Illustrative Only) Continued

- Confers with appropriate others to effect cooperation in matters of joint concern, to solve administrative and operational problems, and to stimulate economic, cultural, and organizational development, including lobbying other governmental agencies for services or financial grants.
- Negotiates contracts for services, real estate purchases and sale agreements, owner participation agreements, personnel service agreements, and other legal instruments.
- Directs and participates in matters pertaining to collective bargaining, personnel disciplinary issues, salary and benefit analysis and administration, labor negotiations, and grievance procedures.
- Analyzes and evaluates the effectiveness of City operations, services, programs, and reports findings and recommendations for improvements to the City Council.
- Advises City officials regarding cooperative efforts with government units, public-private sector partnerships, privatization efforts, consolidation of services, and related issues.
- Directs, supervises, motivates, trains, and evaluates the work performance of City department heads.
- Responds to questions and comments from the public in a courteous and timely manner.
- Attends meetings, conferences, and workshops as requested and authorized.
- Performs other directly related duties consistent with the role and function of the classification.

QUALIFICATIONS

Knowledge of:

- Comprehensive knowledge of public management, organization, and administrative theories, principles, and techniques at local government level.
- Comprehensive knowledge of City government finance and administration, including State and National laws affecting the operations of the City.
- Comprehensive knowledge of applicable municipal functions, organization, and methods, including public works, utilities, planning, budgeting and purchasing, personnel administration,

municipal law, records management, recreation and leisure services, economic development, and police and fire science.

City Manager
Page Three

Knowledge of: Continued

Comprehensive knowledge of social trends and problems.
Comprehensive knowledge of emergency operations.
Substantial knowledge of mathematical concepts necessary to analyze budget, accounting, and legal documents.

Skill in:

Listening and understanding the personnel and organizational needs of City department and division heads, and other supervisory personnel.
Analyzing trends and problems of a City and develop long-range plans adapted to such trends.
Providing leadership and coordinating the activities of a complex municipal organization.
Winning and retaining the confidence and cooperation of legislative bodies, government officials, and representatives of the public.
Developing and directing a sound public relations program.
Communicating effectively with others, both orally and in writing, using both technical and non-technical language.
Understanding and following oral and/or written policies, procedures, and instructions.
Preparing and presenting accurate and reliable reports containing findings and recommendations.
Operating a personal computer using standard or customized software applications appropriate to assigned tasks.
Using logical and creative thought processes to develop solutions according to written specifications and/or oral instructions.
Performing a wide variety of duties and responsibilities with accuracy and speed under the pressure of time-sensitive deadlines.
Ability and willingness to quickly learn and put to use new skills and knowledge brought about by rapidly changing information and/or technology.
Exercising integrity, ingenuity, and inventiveness in the performance of assigned tasks.

Other Requirements:

Valid Class C California State Driver's license.

Desirable Education and Experience:

Any combination of training and/or experience which is equivalent to:

- Bachelor's Degree in Public Administration or a closely related field.
- Seven or more years experience in municipal administration.

Physical Demands:

The physical and demands described here are representative of those that must be met by employees to successfully perform the essential functions of this classification. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Speech/Hearing: Sufficient clarity of speech and hearing or other communication capabilities, with or without reasonable accommodation, to enable the employee to communicate effectively.

Vision: frequently see items between 12 inches and 20 feet away; frequently use both eyes; occasionally distinguish colors, shades of colors, and use depth perception.

Manual Dexterity: frequently grasp, feel, type on a keyboard, and pick up objects with fingers.

Strength and Mobility: carry, push, pull, reach items that are up to 25 pounds; to occasionally kneel and reach; to frequently stand, walk and sit.

Work Environment:

The work environment characteristics described here are representative of those an employee encounters while performing the essential functions of this class. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Work is performed in an office environment involving continuous contact with staff and public.

*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*



February 15, 2011

TO: Honorable City Council

FROM: Jim Stretch, Consultant

THROUGH: Ron Henrickson, City Manager

SUBJECT: Discussion on updating Business License Ordinance, establishing business license administrative fees and submitting an update of the Business License Tax to the voters for approval.

IT IS RECOMMENDED THAT THE CITY COUNCIL:

Conduct a public discussion on the proposed updates to the City's Business License Ordinance and give staff direction on the following:

1. Calendaring a public hearing on proposed amendments to the City's Business License Ordinance (Ordinance No. 267-2010) and adoption of Resolution No.1097-2010 to restate the existing license taxes for the program; and
2. Determine whether to conduct a public hearing on establishing new administrative fees (Resolution 1098-2010) for the Business License Program; and
3. If the City Council decides not to move forward on the recommended new administrative fees, adopt Resolution 1098-2010 to only include the two existing administrative fees presently in Resolution 1029-2010 (being rescinded) related to a Business License change of address request and the issuance of a duplicate Business License, both at \$10.
4. Determine whether to submit to the voters an increase in Business License taxes sometime in the future.

BACKGROUND AND DISCUSSION

This report concerns four (4) related topics: 1) updating and amending the City's Business License Ordinance, 2) separating existing Business License Taxes and Fees found in Resolution 1029-2009 into separate resolutions, 3) establishing new business license administrative fees to cover the cost of administering the Business License Program, and 4) submitting the Business License Tax Schedule to the voters sometime in the future for approval.

Business License Ordinance Update

A new Business License Ordinance (267-2010) (Attachment 1) has been substantially redrafted and is attached for review and comment. It has received minor adjustments since the Council's study session on the topic on November 16, 2010. Amendments to the existing ordinance are represented by additions in blue print and deletions by ~~strike through~~. The sections of the recommended Ordinance that are new or amended substantially are related to the following topics:

1. Establishing that the administration of the business license program is through the City Clerk (5.05.010).
2. The businesses license tax is in many cases based on the annual gross receipts of the business. The definition of gross receipts (5.05.030) (d) is greatly expanded for purposes of clarity.
3. Establishing that there is a business license tax (existing) for the purpose of raising city revenue and a business license fee (new) to reimburse the city for the cost of processing application and administering the program (5.05.040).
4. Provisions are added to address license renewals (5.05.080), audits and inspections of records (5.05.090) and the confidentiality of business records (5.05.100).
5. License due dates are changed to July 1 of the fiscal year (5.05.180).
6. Two or more businesses at the same location may require separate business licenses (5.05.220).
7. The veteran's exemption language has been amended as recommended by the California Department of Veterans Affairs (5.05.300).
8. Public taxi cab business is defined.
9. New language on serial yard, garage and rummage sales (5.05.440) to limit the combined number per year and the number of consecutive days running.
10. The lead time for a public dance permit has been increased to 10 days prior to the dance (5.05.450).
11. The City Chief of Police is included in the review of public dance permits (5.05.450).
12. An appeal process from the decision of the City Clerk to the City Manager is established, as well as the authority for the City Council to set an appeal fee (5.05.510).
13. An appeal process from the decision of the City Manager to the City Council is established, as well as the authority for the City Council to set an appeal fee. (5.05.510).
14. Authority is established for the City Clerk to work with the publisher to codify the Ordinance (5.05.520).

Adoption of new Resolution to Restate Existing Business License Taxes

Attachment #2 in the packet is new Resolution 1097-2010 which simply restates the current Business License taxes; not recommended for amendment in any way at this time. Since old Resolution 1029-2009 contains both business license taxes and business license fees which are subject to different amendment processes, they should be separated. A change in taxes requires voter approval and a change in administrative fees requires a noticed public hearing before the City Council.

As you may recall, the City's business license taxes, some dating back to 1965, were established to generate revenue for the City. Though they are sadly out-of-date, they cannot be updated without a vote of the people, and that is not proposed at this time. The Council may want to give

staff direction to prepare an amended schedule of business license taxes to be offered to the voters in the future. It would make sense to also include as a ballot measure the increase in the City's Transient Occupancy Tax (TOT) presently at 8%. Many Cities have been at 10% for some time. Both of these taxes are unrestricted general fund revenues.

Establishing New Business License
Administrative Fees to Fund the Program

Attachment #3 is Resolution No. 1098-2010 which concerns establishing administrative fees for the Business License Program, culling several of them from old Resolution 1029-2009 and adding others for the sole purpose of covering all administrative costs of the program. Attachment #4 presents the calculation of the estimated staff time and material cost related to the issuance of a business license and annually monitor required for the program.

The average cost for an initial license application is estimated at \$38.35. Thus, staff would recommend the administrative business license fee be set at \$38.00 for the initial application, if the Council chooses to establish such fees, and \$25 for subsequent license renewals, or for additional yet dissimilar business operations to be conducted at an existing licensed location.

Attachment #5 compares the current administrative fees for the program to those recommended. Should it be decided not to establish the new administrative fees recommended, Resolution No. 1098-2010 should be adopted to at least include the two existing administrative fees authorized by Resolution 1029-2010 (being rescinded); \$10 for both a Business License change of address request and the issuance of a duplicate license.

The purpose of administrative fees is to recoup the City's cost, not generate a general purpose revenue, like a tax. As such, administrative fees are subject to the noticed public hearing process before the City Council. It is estimated that the City's annual administrative cost for the business license program is at least \$5,000, the approximate annual cost of administering the program.

It is anticipated that this discussion on the business license program will result in guidance from the Council to staff on moving these topics forward for public hearing.

- Attachments:
- 1) Draft Business License Ordinance No. 267-2010.
 - 2) Draft Business License Resolution No. 1097-2010 (restates existing tax fees).
 - 3) Draft Resolution No. 1098-2010 (existing and proposed administrative fees).
 - 4) Business License Administrative Fee Calculation.
 - 5) Comparison of existing and proposed Administrative Business License Fees recommended in Resolution No. 1098-2010.

ATTACHMENT 1

ORDINANCE NO. 267-2010 BUSINESS LICENSE ORDINANCE 5.05

Repealing all prior business license Ordinances including
Numbers 164, 103, 101, 44, 41, 20, and 11-259-2009

WHEREAS, the City of Rio Dell was is in need of updating the City's business license ordinance in order to streamline and clarify the program guidelines, cover its cost of administration and enforcement, and to meet the needs of the City for general purpose revenue; and

NOW, THEREFORE BE IT RESOLVED, that the City Council of the City of Rio Dell does hereby repeal Ordinances ~~numbered 164, 103, 101, 44, 41, 20, and 11, 259~~ and adopts the Business License policy and program as follows:

Section 5.05.010 Program Administration

The Rio Dell City Clerk shall administer the Business License Program. He/she shall have the authority to create the business license application form and amend it from time to time as appropriate. The application form itself shall facilitate and complement the program and not change the adopted policy of the City in any way.

Section 5.05.020 Application and Processing

- a) Every person required to have a license under the provisions of this ordinance shall make application for such license to the City Clerk.
- b) The City Clerk shall circulate each business license application to the appropriate city departments to insure that the proposed license and use is in compliance with all City Codes and Ordinances. For example, a business license for a restaurant may need to be processed through the Planning Department, City Health Department, Building Department and Police Department for comment and approval.

Section 5.05.030 Definitions

- (a) Person. As used in this ordinance, "person" includes all domestic and foreign corporations, associations, syndicates, joint stock corporations, partnerships of every kind, clubs, ~~Massachusetts business, or common-law trusts~~, societies, and individuals transacting and carrying on any business in the City of Rio Dell. ~~other than as an employee.~~
- (b) Business. The word "business" shall include property rentals, professions, trades and occupations and every kind of calling whether carried on for profit or not.

(c) Carnival. The word “carnival” shall be held to mean any group or attractions such as, but not limited to ball games, dice games, riding devices, dancing shows, or any other like entertainment or game for which a charge is made for attending, playing or participating therein, and not otherwise specified in this ordinance.

(d) Gross Receipts. Includes the total amount of the sale price of all sales of materials, goods, wares and merchandise, and the total amount charged or received for the performance of any act or service for which a charge is made or credit allowed, ~~whatever nature it may be~~, whether or not such service or act is done as a part of or in connection with the sale of materials, goods, wares, or merchandise. Included in gross receipts shall be all receipts, cash, interest paid or payable, or losses or other expense whatsoever. Excluded from gross receipts shall be cash discounts allowed and taken on sales; credit allowed on property accepted by law to be included in or added to the purchase price and collected from the consumer or purchaser; such part of the sale price of property returned by purchasers upon rescission of a contract of sale, refunded either in cash or by credit; amounts collected for others where the business is acting as an agent or trustee to the extent that such amounts are paid to those for whom collected; that portion of the receipts of a general contractor which represent payments to subcontractors, provided that such subcontractors are licensed under this chapter; and provided that the general contractor furnished the City Clerk with the names and addresses of the subcontractors and the amounts paid each subcontractor.

(e) Repeal, Repealed, Repealing. To revoke or annul by express legislative enactment; abrogate. Repealing of an ordinance number repeals the ordinance but does not reinstate the action in the repealed ordinance. Any repealed ordinance or resolution must be reinstated or superseded.

Section 5.05.040 License Tax Required

There are hereby imposed upon the businesses specified in this ordinance, license taxes in the amounts prescribed ~~pursuant to this ordinance~~ by City Resolution for the purpose of raising revenue for the City. It shall be unlawful for any person to transact and carry on any business in the City without first having procured a license from the City to do so, ~~or~~ and ~~without~~ such business shall at all times ~~complying~~ with all applicable provisions of this ordinance and any other City rule or regulation.

Section 5.05.050 Business License Fees Required

There are hereby imposed upon businesses specified in this Ordinance business license fees in the amounts prescribed by City Resolution for the purposes of covering the total direct and indirect costs of administering this Ordinance and the Business License program.

Section 5.05.060 Business License Issuance.

a) Upon ~~payment~~ receipt of the prescribed license tax and fee and after the review of comments and recommendations from the appropriate departments, and evidence that the applicant has received the approval of other county and state agencies as required, the City Clerk shall then determine whether the business activity meets all of the requirements of the City. If all requirements are met and the business applicant and use meet the provisions of this Ordinance, the City Clerk shall issue to the applicant ~~such person applying~~, a license which shall contain all of the following information:

1. The name of the person(s) to whom the license is issued.
2. The name of the business licensed.
3. The type of business for which the license is issued.
4. The place where such business is to be transacted. ~~and carried on.~~
5. The days of the week and hours of day that the business is open for walk-in business.
6. The date of the expiration of such license.
7. A true written estimate of the businesses' gross annual receipts, if the business license tax is based thereon.
8. Photocopy of current California State Board of Equalization Sellers Permit, and Use Tax Account if required.
9. Any Conditions of approval for issuance of the license as determined by the City.
10. Such other information as may be necessary for the enforcement of the provisions of this ordinance.

Section 5.05.070 Initial License-Affidavit Required

Upon a person making application for a first license to be issued under this chapter, or for a newly established business, and in all cases where the amount of the license tax to be paid is measured by gross receipts, such person shall furnish to the City Clerk, for his/her guidance in determining the amount of license tax to be paid by the applicant, a written statement on the form provided by the City Clerk, under penalty of perjury, setting forth such information as may be therein required and as may be necessary to determine the amount of the license tax to be paid by the applicant.

Section 5.05.080 License Renewal

In all cases, the applicant for the renewal of a license shall submit to the City Clerk a written statement upon a form provided by the City Clerk, written under penalty of perjury, setting forth such information concerning the applicant's business in order for the City Clerk to determine whether the type of business has changed since the issuance from the last license and to be able to determine the amount of the license tax/fee to be paid by the applicant for the business or businesses as the case may be.

Section 5.05.090 Audits and Inspection of Records

No statements as provided for in this chapter shall be conclusive as to the matters set forth herein, nor shall the filing of such statements preclude the City from collecting information by appropriate action to determine the amount actually due under this chapter. Such statements made by applicants shall be subject to audit and verification by authorized representatives of the City in order to ascertain the amount of the license tax/fee that should have paid for a prior license year, and as a guide to the City Clerk in determining the license tax for a renewal.

Section 5.05.100 Information Confidential

The information furnished or secured pursuant to sections 5.05.070 through 5.05.090 with regard to books and records to determine the license tax shall be confidential. Any unauthorized disclosure or use of such information by any officer or employee of the City shall constitute a misdemeanor.

Section 5.05.110 Nontransferability - Amending for Change in Business Location.

Pursuant to this ordinance, licenses shall not be transferable from one business to another. However, transferability will be authorized upon completion of an application and payment of a new license tax and fee established by Resolution for a change of address.

Section 5.05.120 Duplicate License.

A duplicate license may be issued to replace any currently issued license ~~previously issued~~ under the provisions of this ordinance, which has been lost or destroyed, upon the licensee filing of a written statement and payment ~~to the City~~ of a duplicate license tax and license fee as determined by Resolution.

Section 5.05.130 Posting of Licenses.

Any licensee transacting and carrying on business at a fixed place of business ~~in the City~~ shall keep the license ~~thereof~~ posted in a conspicuous place upon the premises where such business is ~~carried on~~ conducted.

Section 5.05.140 Carrying of License on One's Person.

Any licensee transacting and carrying on business, but not operating at a fixed place of business in the City, shall keep the license upon his person at all times while transacting and carrying on such business.

Section 5.05.150 Ordinance Enforcement and Penalties

- a) The City Clerk shall maintain a record for each license issued and record the report of any violations therein.
- b) The City Clerk, in the exercise of his/her duties, and acting through duly authorized assistants, may examine or cause to be examined all places in the City to determine whether the provisions of this Ordinance have been complied with. It shall be the duty of the City Clerk to cause a complaint to be filed against any and all persons found to be violating any of said provisions.
- c) The Chief of Police and/or his/her designee is hereby directed to enforce all provisions of this ordinance by means of citation. Any business subject to this ordinance operating without a business license ~~may~~ shall receive a citation and must pay a tax, as determined by Resolution, for each month the ordinance is violated.
- d) In the event that the tax is not paid within the time period specified in the citation, the City shall retain the right to revoke the license, seek enforcement and/or collection in court at the expense of the responsible party. Expenses shall be recoverable by the City, whether by assessment by the City Council following a hearing at a regularly scheduled City Council meeting or by a court of competent jurisdiction, and shall further include the actual costs of collection such as staff time, direct and indirect administrative costs, court costs, attorneys' taxes and penalties.
- (e) Any person violating any of the provisions of this ordinance or ~~knowingly or~~ intentionally misrepresenting to any office or employee of this City any material fact in procuring the license or permit herein provided, shall be punishable by a fine as determined ~~from time to time~~ by Resolution.

Section 5.05.160 License Tax, ~~etc.~~ and License Fee Constitutes Debt to City.

The amount of any license tax, license fee and penalty imposed by the provisions of this ordinance shall be deemed a debt to the City. An action may be commenced in the name of the City in any Court of competent jurisdiction for the amount of any delinquent license tax, fee and penalties.

Section 5.05.170 Remedies to be Cumulative.

All remedies prescribed under the provisions of this ordinance shall be cumulative and the use of one or more remedies by the City shall not bar the use of any other remedy for the purpose of enforcing the provisions of this ordinance.

Section 5.05.180 Payment and Duration of Licenses

~~(a) Daily flat rate license taxes are due in full each day.~~

- a) Unless otherwise specifically provided, all annual licenses are effective ~~from~~ for the period of July 1st – June 30th of each fiscal year. License taxes and fees under the provisions of this ordinance shall be due and payable in advance on the first day of July each year. License taxes and fees not received by the City by July 1 of each year are delinquent and are subject to an additional delinquent tax as determined by Resolution.
- b) Except as otherwise provided by this ordinance, license taxes required under the provisions of this ordinance, other than for an annual period, ~~as follows:~~ shall be based on flat daily rate, as determined by Resolution, and shall be due and payable in advance.

Section 5.05.190 Proration

No proration of any annual business license tax or license fee shall be made.

Section 5.05.200 Penalty for Failure to Pay License Tax When Due.

For failure to pay a license tax when due, the City Clerk shall add a penalty of 25 % of said license tax on the last day of each month after the due date thereof, providing that the amount of such penalty to be added shall in no event exceed 100% of the amount of the license tax due.

~~Section 5.05.150~~ Application

~~(a) Every person required to have a license under the provisions of this ordinance shall make application for such license to the City.~~

Section 5.05.210 Notification Upon Cessation.

Every business ~~who is~~ required to be licensed pursuant to this ordinance that ceases ~~doing~~ to operate ~~business and~~ shall notify the City Clerk immediately upon ~~ceasing doing~~ business closure.

Section 5.05.220 Tax Determination Procedure.

The amount of license taxes to be levied shall be established by Resolution of the City Council pursuant to all applicable laws and Government Codes. Such license taxes shall be paid by every person engaged in carrying on or maintaining such profession, trade, occupation, calling or business in the City of Rio Dell.

Section 5.05.230 Branch Establishments; Two or More Separate Businesses at the Same Location, Warehoused, etc.

A separate license pursuant to this ordinance must be obtained for each branch establishment or location of the business transacted and carried on, and for each separate type of business at the same location, ~~each licensee to transact and carry on only the business licensed thereby at the location or in the manner designated in such license,~~ provided that warehouses and distributing plants ~~used in the provisions of this ordinance~~ shall not be deemed to be separate places of business or branch establishments.

For the purpose of example, an arcade is a type of business for which a business license is required. As the business owner desires to expand at the same location and add another type of business, such as a delicatessen, a second business license application would be required to be filed and processed through the City Clerk. If later a business owner should want to add another type of business enterprise at the same location, such as the sale of beer or wine, or to establish a recreational vehicle park, additional business licenses would be required.

Section 5.05.240 Purpose of Ordinance.

This ordinance is enacted to insure that businesses in the City are compliant with all Ordinances and regulations of the City, including land use, and that the public's health and safety is preserved. Furthermore, the purpose of the Ordinance is to cover the costs of regulation, including granting of licenses, investigating, inspecting and exercising police supervision, and to raise revenue for municipal purposes.

Section 5.05.250 Ordinance Not A Substitute for Other Licensing Provisions.

Persons required to pay a license tax and license fee for transacting and carrying on any business under this ordinance shall not be relieved from payment of any license tax or fee for the privilege of doing such business required under any other section of this ordinance or other ordinance of the City, and such person shall remain subject to the regulatory provisions of this ordinance and other such ordinances.

Section 5.05.260 Conflict With State and Federal Law

- a) This ordinance shall not be construed to require any person to obtain a license prior to doing business with the City if such requirement conflicts with applicable statutes of the United States or of the State of California.

- b) If any section, subsection, sentence, clause, phrase, or portion of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this ordinance. The City Council of this City hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or parts thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, or portions be declared invalid or unconstitutional.
- c) Persons not required to obtain a license pursuant to this ordinance prior to doing business within the City because of conflict with applicable statutes of the United States or of the State shall not be liable for the payment of the tax or fee imposed by this ordinance.

~~Section 5.05.210 Payment of tax.~~

Section 5.05.270 Exemptions.

Nothing in this ordinance shall be construed to apply to any person transacting and carrying on any business, exempt by virtue of the Constitution of applicable statutes of the United States or of the State, from the payment of such taxes and fees as are herein prescribed.

Section 5.05.280 Exemptions - Newspapers, Magazines, etc.

The provisions of this ordinance shall not apply to the sale of newspapers, magazines, and other periodicals. This exemption does not apply to receipts from job printing jobs.

~~Section 5.05.290 Exemptions for Charitable Institutions, concert, dance, lecture, etc. by religious, fraternal, charitable, etc. organizations.~~

- a) The provisions of this ordinance shall not be construed to require the payment of a license tax or license fee to conduct, manage, or carry on any business or activity from an institution or organization which is conducted, managed, or carried on wholly for the benefit of charitable purposes or from which profits are not derived, either directly or indirectly, by any individual.
- b) Nor shall any license tax or license fee be required for the conducting of any entertainment, concert, exhibition or lecture or scientific, historical, literary, religious, or moral subject whenever the receipts of any such events are totally appropriated to any church or school or to any religious or benevolent purpose.

- c) Nor shall any license tax be required for the conducting of any entertainment, dance, concert, exhibition or lecture by any religious, charitable, fraternal, educational, military, state, county, or municipal organization or association whenever the receipts of any such entertainment, dance, concert, exhibition, or lecture are to be appropriated for the purpose and objects for which such organization or association was formed and from which profit is not derived, either directly or indirectly, by any individual. ~~provided.~~

d) ~~however,~~ Notwithstanding a) through c) above, ~~that~~ nothing in this section shall be deemed to exempt any such organization or association from complying with any of the provisions of this ordinance requiring a permit from the City Council, or any commission or officer to conduct, manage, or carry on any profession, trade, calling or occupation. The exemptions noted herein are related to the payment of the license tax and license fee.

Section 5.05.300 Veterans Exemption.

~~No license tax pursuant to this ordinance shall be payable by any person who is registered to vote in the state of California and has received an honorable discharge or release from active duty in one of the United States armed services.~~

Honorably discharged Veterans who engage in the sale of goods, wares or merchandise owned by the Veteran must apply for and receive a business license as provided for in this ordinance. Such business licenses are exempt from the business license tax and license fee. This section does not exempt from the provisions of this Ordinance a business of personal services provided by Veterans or a business of Veterans for the sale of intoxicating liquor.

Section 5.05.310 Interstate Commerce Generally - Application for Adjustment of Tax.

- a) None of the license taxes and license fees provided for by this ordinance shall be so ~~applied as to occasion an undue burden upon~~ applicable to interstate commerce.
- b) In any case where a license is believed by a licensee or applicant for a license to place an undue burden upon such commerce, he/she may apply to the City Clerk for an adjustment of the tax so that it shall not be discriminatory or unreasonable as to such commerce.
- c) If the City Clerk, upon recommendation of the City Attorney, finds that an undue burden upon interstate commerce exists, the City Clerk shall pro-rate the application business license tax on a basis of total gross revenues received by the applicant only from business generated within the State of California. ~~over total gross revenues received by the applicant from out of State generated sources.~~

Section 5.05.320 Verified Statements.

- a) Any person claiming an exemption pursuant to this division shall file a ~~verified~~ truthful signed and written statement with the City, stating the facts upon which exemption is claimed.
- b) Upon proper showing ~~contained in~~ on the ~~verified~~ statement provided for by in this Section, and with the approval of the City Clerk, ~~2.05.260~~, the City Clerk shall issue a license to such person claiming exemption ~~under this section~~ without payment of the license tax required by this ordinance.

~~Section 5.05.270 Issuance of Free Licenses.~~

Section 5.05.330 Revocation of free, etc., Licenses Provided by Exemption

After giving notice and a reasonable opportunity for hearing to a licensee, the City Clerk may revoke any license granted pursuant to the provisions of this ordinance upon information that the licensee is not entitled to the exemption as provided by this Ordinance.

Section 5.05.340 Amount of Business License Tax and Business License Fee.

Every person who engages in business at a fixed place of business within the City shall pay a license tax based upon the immediately preceding ~~calendar~~ fiscal year's receipt of gross ~~activities~~ receipts. If a business operation has been in operation for less than a twelve (12) month period, the partial year gross revenues shall be annualized for the purpose of determining the tax. Said license tax shall be at rates from time to time determined ~~by the City Council~~ by Resolution for allowable revenue raising purposes, and the Business License Fee shall be set by Resolution and based upon recovering the costs of processing the application and regulating the Business License Program. ~~and allowable taxation~~

Section 5.05.350 Business License Tax for Rental Property.

- a) Every person carrying on the business of renting residences, apartments, house trailers, or house trailer parking spaces and renting two or more units must obtain a business license from the City.
- b) The tax for such license shall be per rental unit for residence, ~~and~~ apartments and ~~per~~ house trailer parking space, and shall be established by Resolution.
- c) Every person carrying on the business of renting motel or hotel accommodations must obtain a license from the City. The tax for such license shall be determined annually, plus a per rental unit tax as established by Resolution for each unit in excess of six (6).

Section 5.05.360 Delivery by Vehicles

~~No license tax~~ Every ~~shall be imposed on a person that does not have~~ without a fixed place of business within the City, who delivers goods, wares or merchandise of any kind by vehicle, or who provides any service by the use of a vehicle in the City is required to obtain a business license, measured by the gross receipts from business conducted within the City.

A license shall not be imposed on a person where the only activity conducted by such person ~~in the City~~ is the delivery of goods bought and sold elsewhere by telephone, ~~or~~ mail order, or the internet.

~~A license tax shall be imposed on a person who does not have a fixed place of business within the City, but who conducts a sale of goods or the performance of a service if the event, activity or transaction occurs within the City limits. in accordance with Section 5.05.310.~~

Section 5.05.370 ~~Tax~~ Nonresidential Building Contractors.

Every person not having a fixed place of business in the City, who engages in the business of a licensed Building Contractor within the City, shall pay either a per day license tax as set by Ordinance of five dollars; ~~provided, that any such person~~ or may elect to pay a license tax under Section 5.05.340.

Section 5.05.380 ~~Tax~~ Other Nonresidential Businesses.

Every person not having a fixed place of business within the City who engages in business within the City and is not subject to the provisions of Sections 5.05.370 and 5.05.340, shall pay a license fee and a per day license tax of five dollars, provided that any such person may elect to pay for a license under Section 5.05.340.

Section 5.05.390 ~~Tax~~ Carnivals.

- a) Every person owning, maintaining, conducting or presenting a carnival in the City, after having first obtained a permit to do so ~~from the City, Council~~ shall be charged a business license fee and a per day license tax as determined by Resolution, ~~and~~ plus an additional license tax per day for each and every separate show, attraction or exhibition carried on by such person conducting such carnival ~~after such special permit has been granted~~, all of which taxes and license fees shall be collected in advance.
- b) If the group of attractions as mentioned in subsection a.) of this section is owned or conducted by any one person, or ~~it any~~ consists of one or more ~~of the~~ groups of attractions as mentioned in subsection a.) of this section, or if ~~is~~ owned by different persons exhibiting or showing the attractions at the same time, ~~in each instance~~, the group of attractions shall, for the purpose of this chapter, be considered a carnival.

Section 5.05.400 Circuses and ~~Kindred~~ Similar Performances.

- a) Every circus, menagerie, acrobatic performance or exhibition of trained animals associated with or connected ~~by or showing~~ with other attractions shall be charged a license fee and tax ~~at the~~ as follows: ~~ing rates~~:
1. One-ring circus, tax per day rate; and
 2. Two or more ring circus, taxes per day as determined ~~from time to time~~ by Resolution.

Section 5.05.410 Fortunetellers and ~~Kindred~~ Similar Persons

Every person conducting, managing or carrying on the business of astrology, palmistry, phrenology, life reading, fortunetelling, crystal gazing, hypnotism or any occult science, and who demands or receives a fee for the practice or exhibition of his business art for free, or gives an exhibition of his business as a bonus, prized, or free with the sale of any book or other article, or who gives an exhibition thereto at any place where any admission is charged or received, shall be charged a business license tax and business license fee in advance.

Section 5.05.420 Card Tables.

Any ~~establishment~~ person or business maintaining or operating card tables for any card game legal in California for which an entry ~~tax~~ fee is ~~paid~~ charged shall pay an annual tax for each such table, in addition to the regular business license fee. ~~Taxes shall be determined by Resolution. from time to time.~~

Section 5.05.430 Taxi Cab

- a) Any individual owning or leasing a public vehicle for hire or who causes or permits such vehicle to be operated within the city limits of Rio Dell must hold a Vehicle Permit from the City.
- b) The taxi cab vehicle by definition is of an appearance that is commonly used in this state for taxicabs and is operated at rate per mile, or for waiting time, or both.
- c) The requirements of the vehicle permit may be granted upon application in writing and upon satisfactory showing by the applicant that each vehicle used in the business meets the following qualifications:
- (1) The vehicle must meet all of the requirements of the Vehicle Code of the State of California in regard to equipment and mechanical condition;
 - (2) The vehicle must have posted in open view of the passenger an intelligible and legible statement of fares and charges to be made in the use of the vehicle;

- (3) The owner or lessee of any public vehicle for hire must secure his ability to answer to any claim for damage to person or property which may arise against him by reason of the operation of such vehicle, to the following extent:

A) Public liability and property damaged coverage with limits as determined by the City of Rio Dell.

B) The City of Rio Dell shall be named as an additional insured under the coverage, which shall also provide for the City's defense and hold it harmless, from any claim, action or judgment.

C) Such security may be by insurance policy or by surety bond issued by a licensed bonding corporation. In either case, the form of the security and the reliability of the company issuing it must meet the approval of the City.

d) The Vehicle Permit may be revoked or suspended by the City if the licensed vehicle ceases to be a fit and proper vehicle to be operated as a public vehicle for hire; the requirements of the Vehicle Permit are no longer met by the licensee; the licensee becomes bankrupt or there are valid and substantiated complaints about business practices.

e) For the purpose of determining whether any cause exists for the suspension or revocation of a vehicle permit under this chapter, the Chief of Police of the City of Rio Dell may, upon direction of the City Manager or upon complaint, make inquiry as to the condition of the vehicle or the conduct of the licensee.

Section 5.05.440 Musical Devices and Vending Machines and Automatic Teller Machines.

- a) Any individual or firm maintaining, operating, renting, or leasing a juke box, or other musical device, or a vending machine or other mechanical device, the operation of which depends upon the insertion of a coin, or the use of a key or card, and into which dispenses or vends a product, service, entertainment, money or exchange of equal value shall pay a business license fee and business license tax based upon the immediate preceding fiscal year's gross receipts from the total of all such machines, if the individual or firm/s business is limited exclusively to such maintenance, operations, renting or leasing. ~~to Section 5.05.280 so operated at the rates set forth pursuant~~
- b) ~~Telephone~~ Pay phone service furnished under Public Utility Tariffs is exempt from the City Business License Ordinance.

Section 5.05.450 Public Dances.

- a) Every person conducting, managing, or carrying on a public dance, where an admission ~~tax~~ is charged or ~~other~~ the purposes is otherwise for profit ~~purpose~~, except ~~these~~ public dances under the auspices and solely ~~the~~ benefit of a social, civic, veteran, religious, or fraternal organization, shall be ~~charged~~ required to obtain a business license for a per day use ~~license tax~~, payable in advance no later than 10 days prior to the public dance. ~~Taxes will be determined~~
- b) The City Chief of Police must recommend to the City Clerk that he/she is satisfied that the conduct of the public dance as proposed will comport with the public safety and welfare, and for this purpose, may consider any facts of evidence bearing on the place where the public is to be located, the character, reputation and moral fitness of the parties in charge of the dance, and any other facts of evidence that the Chief may be aware of in this respect.
- c) Prior to the public dance, persons applying for the permit shall provide the City Clerk with a certificate of insurance issued for the event, received by the City Clerk showing evidence of liability insurance in amounts as required by the City; naming the City as an additional insured and providing for the City's defense, and holding it harmless from any claim, action or judgment, and also provide the City Clerk with evidence of workers compensation insurance as appropriate. Evidence of insurance shall be a certificate of insurance from the insurance company that includes the stipulation that a notice of cancellation or modification of the terms or limits of such coverage shall be sent to the City Clerk.
- d) In issuing the permit, the amount of security (police protection), if any, required for the event shall be stipulated by the Chief of Police to the City Clerk and applicant, and the cost shall be for calculated by the City and paid by the applicant prior to the issuance of the permit. Police protection will be provided in all cases by the Rio Dell Police Department, unless otherwise provided for approved by the Chief of Police. School dances are excluded from the definition of a public dance as long as they are primarily held for students.
- e) No public dance shall occur after 2:00 a.m. and before 8:00 a.m.
- f) At any time that the Chief of Police or his designated watch commander determines that public safety is endangered by the continuance of the event, or that the public peace is in jeopardy, he may order such event closed and all sponsors, cosponsors and attendees will comply immediately.

Section 5.05.460 Garage Sales, Yard sales, and Rummage Sales.

- a) Every person conducting more than a total of two sales per year, whether garage sales yard sales, or rummage sales, or any combination thereof, shall be required to obtain a business license ~~charged~~ for a per day ~~license tax~~ use, payable in advance. The first two such sales events shall be exempt.

- b) Each garage sale, yard sale or rummage sales event shall be incidental to the residential use of the property and shall last no longer than three (3) days.

Section 5.05.470 Solicitors, Peddlers and Canvassers

- a) It shall be unlawful for any person to engage in the business of solicitation, canvassing or peddling within the City limits, ~~either~~ whether in person or by telephone, without first obtaining a business license pursuant to the provisions of this ordinance.
- b) Any company or person wishing to engage in legal solicitation shall apply for a business license and pay a ~~tax~~ per day tax, provided that any such person may elect to pay a license tax under Section 5.05.340.

Section 5.05.480 Mobile Vendors

- a) It shall be unlawful for any person to engage in the business of mobile vending within the City limits without first obtaining a business license pursuant to the provisions of this ordinance.
- b) Any company or person wishing to run a mobile vending business shall apply for a business license and pay a per day tax, provided that any such person may elect to purchase an annual license under Section 5.05.340.
- c) Any company or person that elects to purchase a business license under Section 5.05.340 shall be required to pay a processing ~~tax~~ license fee for an updated license at the time of each location change.
- d) Mobile vendors must also comply with all State of California requirements and Humboldt County Health and Safety regulations.

Section 5.05.490 Exceptions

- a) In addition to all other power conferred, the ~~Director of Finance~~ City Clerk shall have the power, for good cause shown, to extend the time for filing any required sworn statement for a period not exceeding thirty (30) days, and in such case to waive any penalty that would otherwise have accrued; and shall have the further power, with the consent of the ~~Council~~, City Manager, to compromise any claim as to amount of license fee and tax due.
- b) The City ~~Council~~ Manager shall have the power to totally or partially waive the customary fee or tax as set forth elsewhere in this Chapter, for one-time events or other infrequent or annual occurrences for which a tax would otherwise be payable, if it is deemed by the City ~~Council~~ Manager that such action would be in the best interests of the community.

Section 5.05.500 Business License Tax for Other Businesses Not Mentioned

The business license tax and license fee for a business that is not specifically mentioned in this Ordinance shall be determined by the City Clerk; by assuming that it is a business that is most closely associated or similar to a business specifically mentioned in the Ordinance.

Section 5.05.510 Appeal Procedure/Tax

- a) An applicant for a business license may appeal in writing the decision of the City Clerk to the City Manager, explaining the reason for the appeal. The appeal must be made within ten (10) calendar days of the City Clerk's notice to the applicant of the denial of the application or conditioned approval. An appeal must be accompanied by an appeal fee established by Resolution.
- b) The City Manager shall hear and consider the applicant's appeal and shall render his/her written decision on the matter within 15 calendar days after the hearing date.
- c) An appeal of the City Manager's decision may be made in writing to the City Council, stating clearly the reason for the appeal. An appeal fee established by the City Council shall accompany the appeal request. The Council shall consider the appeal at a publically noticed meeting and their decision shall be final.

Section 5.05.520 Codification

The City Clerk is authorized to work with City's publisher in formatting and numbering this Ordinance into the proper Title, Chapter and Section for placement in the City of Rio Dell Municipal Code.

I HEREBY CERTIFY that the foregoing Ordinance was duly introduced, passed and adopted at a regular meeting of the City Council of the City of Rio Dell, held on the ___ day of _____, 2011 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

Julie Woodall, Mayor

Karen Dunham, City Clerk

ATTACHMENT 2

RESOLUTION NO. 1097-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL RESTATING EXISTING TAXES FOR THE BUSINESS LICENSE PROGRAM

WHEREAS, since 1964 the City of Rio Dell has had a Business License program established by Ordinance with fees and taxes set by Resolution; and

WHEREAS, the taxes and fees related to the program are set forth in Resolution 1029-2009, most of which have not been adjusted since 1964; and

WHEREAS, the term “business license taxes and fees” in Resolution 1029-2010 have been used interchangeably and need to be identified and separated because they are enacted and amended under different California statutes ; and

WHEREAS, this Resolution concerns only the existing taxes for the Business License program carved out of Resolution 1029-2010.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Rio Dell hereby restates and adopts the taxes for the Rio Dell Business License program authorized by Ordinance No. 267-2011 as follows:

		Section
1. Business license tax based on yearly gross receipts		
A. \$500 to \$30,000 annual gross receipts.....	\$30.00	5.05.030
B. Gross receipts in excess of \$30,000.....	\$60.00	5.05.030
2. Penalty for failure to pay license when due.....	25% for each month after due date, not to exceed \$100.	5.05.070
3. Rental property license.....	\$4/rental unit	5.05.350
4. House trailer parking space.....	\$2/space	5.05.350
5. Motel or hotel accommodations.....	\$28 plus \$2/rental Unit	5.05.350
6. Delivery by vehicle.....	See #1 above	5.05.360
7. Contractors, non-resident.....	\$5/day	5.05.370
8. Business license, non-resident.....	\$5/day	5.05.380

9. Carnivals.....	\$75/day plus \$5/day for each separate show	5.05.390
10. One-ring circus.....	\$50/day	5.05.400
11. Two or more ring circus.....	\$100/day	5.05.400
12. Fortunetellers & similar persons.....	\$10/day	5.05.410
13. Card table for card game.....	\$200 each table, plus regular business license-see #1 above	5.05.420
14. Taxi cab.....	See #1 above	5.05.430
15. Musical devices & vending machines.....	See #1 above	5.05.440
16. Public dance.....	\$20/day	5.05.450
17. Garage, rummage & yard sales, if more than 2/yr.....	\$5/day	5.05.460
18. Peddlers, solicitors	\$10/person/day	5.05.470
19. Mobile vendors.....	\$10/day	5.05.480
20. Exceptions.....		5.05.490
21. License Tax for all others.....	varies	5.05.500

APPROVED this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

ATTACHMENT 3

RESOLUTION NO. 1098-2010

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF RIO DELL ESTABLISHING ADMINISTRATIVE FEES FOR THE BUSINESS LICENSE PROGRAM

WHEREAS, since 1964 the City of Rio Dell has had a Business License program established by Ordinance with fees and taxes set by Resolution; and

WHEREAS, the taxes and fees related to the program are set forth in Resolution 1029-2009, most of which have not been adjusted since 1964; and

WHEREAS, the term “business license taxes and fees” in Resolution 1029-2010 have been used interchangeably and need to be identified and separated because they are enacted and amended under different California statutes ; and

WHEREAS, this Resolution concerns only the administrative fees for the Business License program to cover the City’s actual direct and indirect costs, not for revenue producing purposes.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of Rio Dell hereby adopts administrative fees for the Rio Dell Business License program established by Ordinance No. 267-2010 as follows:

1. Business License Administrative Fee (Initial) \$38.00
2. Annual Business License Administrative Fee
Renewal for Each Business 25.00
3. Annual Business License Administrative Fee For
Each Subsequent Business Activity At Licensed
Location 25.00

4.	Change of Business License Address	20.00
5.	Duplicate Business License	20.00
6.	Application for adjustment of Business License tax	27.00
7.	Appeal of City Clerk decision to City Manager	57.00
8.	Appeal of City Manager decision to City Council	100.00

BE IT FURTHER RESOLVED, that Resolution 1029-2009 is repealed.

APPROVED this day of by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Julie Woodall, Mayor

Attest:

Karen Dunham, City Clerk

ATTACHMENT 4



*Rio Dell City hall
675 Wildwood Avenue
Rio Dell, CA 95562
(707) 764-3532
riodellcity.com*

BUSINESS LICENSE FEE CALCULATION August 2010

INITIAL BUSINESS LICENSE

A. City Clerk

Time estimate Cost

City Clerk(\$27/hr)

- | | | |
|---|------------|---------|
| 1. Answer questions, review Business License Ordinance, check zoning ordinance for permitted uses, discuss fees with applicant, distribute materials. | 45 minutes | \$20.25 |
| 2. Receive Business License application (BLA) and fee. Review application for completeness. Correspond with applicant for additional information. Deposit fee with Finance. | | |
| 3. Distribute BLA to City departments as appropriate, Building Official, Police Department, Public Health, Public Works. | | |
| 4. Review comments from Departments on BLA. Confer with City Manager, grant or deny BL and make contact with applicant. | | |

B. Finance Department

Senior Fiscal Assistant (\$24/hr)

- | | | |
|--|------------|--------|
| 1. Receives deposit, balances and deposits in bank. Annually Reviews BL records and notifies persons that they are delinquent on renewal. May write follow up letter or make phone call. | 12 minutes | \$4.80 |
|--|------------|--------|

C. Departmental Referrals

Department Head (\$50/hr)

- | | | |
|---|------------|--------|
| 1. Referrals may be made to the <u>City Manager</u> (\$56.80/hr),
<u>Chief of Police</u> (\$40.76/hr) or the <u>Director of Public</u>
<u>Works</u> (\$52.12/hr). The average hourly rate for the three
is \$49.89/hr, call it \$50.00/hr. | 10 minutes | \$8.30 |
|---|------------|--------|

Cost Subtotal	\$33.35
---------------	---------

D. General Overhead

- | | | |
|---|-----|---------|
| 1. General overhead for building depreciation, lighting,
cooling, heating, grounds and building maintenance. | 15% | \$ 5.00 |
|---|-----|---------|

Total Business License Administrative Cost	\$38.35
--	---------

**RECOMMENDED ADMINISTRATIVE
BUSINESS LICENSE FEE
\$38.00 PER INITIAL APPLICATION**

SUBSEQUENT BUSINESS LICENSE AT SAME LOCATION

- | | |
|---|---------|
| A. Includes costs noted above for City Clerk and Finance Referrals,
but not Department Head and General Overhead cost. | \$25.05 |
|---|---------|

**RECOMMENDED ADMINISTRATIVE BUSINESS
LICENSE FEE FOR SUBSEQUENT BUSINESS
ACTIVITY AT SAME LOCATION
\$25.00 PER EACH ADDITIONAL BUSINESS ACTIVITY**

ATTACHMENT 5

RECOMMENDED BUSINESS LICENSE ADMINISTRATIVE FEE ADJUSTMENTS IN RESOLUTION 1098-2010

<u>Fee</u>	<u>Fee Category</u>	<u>Current Fee</u>	<u>Proposed</u>
1.	Business License Administrative Fee (Initial)	\$00.00	\$38.00
2.	Annual Business License Administrative Renewal Fee	00.00	25.00
3.	Business License Administrative Fee (each subsequent business activity at licensed location)	00.00	25.00
2.	Change of address	10.00	20.00
3.	Duplicate Business License	10.00	20.00
4.	Application for adjustment of Business License tax	00.00	27.00
5.	Appeal of City Clerk decision to City Manager	00.00	57.00
6.	Appeal of City Manager decision to City Council	00.00	100.00